

# LAW SUMMARY

*Office of Legislative Legal Services*



## ***OPEN MEETING REQUIREMENTS OF THE COLORADO SUNSHINE LAW<sup>1</sup>***

The Open Meetings Law (OML),<sup>2</sup> which is part of the Colorado Sunshine Law, generally requires any state or local governmental body to discuss public business or to take formal action in meetings that are open to the public. A "meeting" refers to any kind of gathering, convened to discuss public business, whether in person, by telephone, electronically, or by other means of communication. The Colorado Supreme Court has held that "a meeting must be part of the policy-making process to be subject to the requirements of the OML."<sup>3</sup> Therefore, for example, emails can be considered "meetings", but the term does not include chance meetings or social occasions where public business is not the central purpose of the meeting. Email communication between elected officials that does not relate to the merits or substance of public business is also not considered a meeting. For additional information on the OML, please see the "[Open Meetings Law – State Public Body – FAQ](#)" located under the Memoranda, "General Topics of Interest" page on the OLLS website.<sup>4</sup>

	<b>State Body</b>	<b>Local Body</b>
DEFINITIONS:	Any board, commission, or other advisory decision-making body of the state; state college or university board; the General Assembly; or any entity that has been delegated the governmental decision-making function.	Any board, commission, or other advisory decision-making body of a political subdivision of the state; or any entity that has been delegated the governmental decision-making function.

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<sup>1</sup> This summary contains information commonly requested from the Office of Legislative Legal Services. It does not represent an official legal opinion of the General Assembly or the state of Colorado and does not bind the members of the General Assembly. It is intended to provide a general overview of Colorado law as of the date of its preparation. Any person needing legal advice should consult his or her own lawyer and should not rely on the information in this memorandum.

<sup>2</sup> Section 24-6-401 and 24-6-402, C.R.S.

<sup>3</sup> *Bd. County Cmm'rs v. Costilla County Conservancy*, 88 P.3d 1188, 1194 (Colo. 2004).

<sup>4</sup> <https://leg.colorado.gov/agencies/office-legislative-legal-services/memoranda>

	<b>State Body</b>	<b>Local Body</b>
MEMBERS:	Two or more members of the body conducting business are subject to this law.	Three or more members of the body (or two members if two constitutes a quorum) conducting business are subject to this law.
NOTICE:	The statute requires full and timely notice, posted in its designated place within a reasonable time prior to the meeting.	The statute requires full and timely notice, posted in its designated place within a reasonable time prior to the meeting. A local body may comply by posting notice at least 24 hours prior to the meeting.
MINUTES:	Minutes of meetings must be taken and promptly recorded and are open to public inspection.	Minutes of meetings must be taken and promptly recorded and are open to public inspection.
EXECUTIVE SESSION:	<p>Requires announcement of topic for discussion, citation to authorizing law, and a two-thirds vote of all members.</p> <p>Discussions held in an executive session must be electronically recorded.</p> <p>No record or electronic recording is required to be kept of the portion of a discussion by the governing board of a state institution of higher education held in executive session that constitutes a privileged attorney-client communication.</p>	<p>Requires announcement of topic for discussion, citation to authorizing law, and a two-thirds vote of the members present.</p> <p>Discussions held in an executive session must be electronically recorded.</p> <p>No record or electronic recording is required to be kept of the portion of a discussion in executive session that constitutes a privileged attorney-client communication.</p>

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